

STATE OF IOWA

CHESTER J. CULVER, GOVERNOR PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
EUGENE I. GESSOW, DIRECTOR

This document was prepared by staff in the Child and Family Services Division of the Department of Human Services as a discussion guide for a conference call to be held on Friday January 23rd from 1 to 3 pm to discuss changes to Iowa law that are needed to come into compliance with the Fostering Connections for Success and Increasing Adoptions Act of 2008. If you were unable to attend the call and want additional information or if you have specific comments they can be emailed to jregula @dhs.state.ia.us.

Additional resources and updates on the Departments work involving the FCSIAA can be found on the DHS website at:

 $\underline{http://www.dhs.state.ia.us/Consumers/Child_Welfare/BR4K/Fostering_Connections/Fostering_Connections.html}$

Sections of the FCSIAA where DHS is proposing state legislative changes

Sec. 103. Notification of relatives.

provides that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that--

- "(A) specifies that the child has been or is being removed from the custody of the parent or parents of the child;
- "(B) explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
- "(C) describes the requirements under paragraph (10) of this subsection to become a foster family home and the additional services and supports that are available for children placed in such a home; and
- "(D) if the State has elected the option to make kinship guardianship assistance payments under paragraph (28) of this subsection, describes how the relative guardian of the child may subsequently enter into an agreement with the State under section 473(d) to receive the payments.".

Summary:

Iowa code changes proposed to 232.102 to add new section (14) that the Department shall notify the child's relatives (within the 4th degree of consanguinity) within 30 days of when legal custody has been transferred to the department except when family or domestic violence is present.

Current Legislation: 232.102

Proposed Language:

- 14. Within 30 days after receiving custody of a child, the department shall exercise due diligence to identify and provide notice to all adult relatives of the child to the 4th degree of consanguinity (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that--
 - (A) specifies that the child has been or is being removed from the custody of the parent or parents of the child:
 - (B) explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
 - (C) describes the requirements to become a foster family home and the additional services and supports that are available for children placed in such a home; and
 - (D) the option to apply for kinship guardianship assistance payments.

Sec. 202. Transition plan for children aging out of foster care.

Summary of Changes:

Creates a new section 475(5)(H) that requires transition plans for youth who are emancipated from foster care. This plan must be developed in the 90 days prior to their leaving foster care.

475(5)(H) during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State may elect under paragraph (8)(B)(iii), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect."

The draft legislation expands the current Code requirements for transition planning for youth 16 and older to include, not only a transition plan in the 90 day period prior to the child exiting care, but also expands Code to require a personalized plan in the 90 days prior to the youth turning 18. This is to ensure all youth leaving care at 18 and older have a transition plan in place when they exit.

Due to the restructuring of the transition process to include youth centered planning and periodic transition plan updates, it was believed Local Transition Committees were unnecessary and therefore repealed via the draft legislation.

The main duty of the Local Transition Committee is to review and approve a youth's transition plan. Current Code also requires Local Transition Committees to identify gaps in services and supports needed for youth to transition to adulthood.

There is argument to not repeal the local transition committees but to change their duties to include oversight of the service area's transition process/protocol, ensuring best practices, and to continue to identify and address gaps of services and support necessary for effective transition.

Proposed changes:

Modify IC 232.2(4)(f) as follows:

f. (1) When a child is sixteen years of age or older, a written transition plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. The written plan of services and needs assessment will

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	shall focus on the services, supports, and steps necessary
	to facilitate successful entry into adulthood. The plan shall
	be developed with the child present and honor the goals
	and concerns of the youth, that is personalized at the
	direction of the child, with emphasis in the following areas:
	1. <u>Housing</u>
	2. Health and Health Insurance
	3. Employment workforce supports and
	employment services
	4. <u>Education</u>5. <u>Relationships</u>, including local opportunities
	for mentors
	ioi mentoro
	The plan will be considered a "working document", and
	shall be reviewed and updated at minimum at each case
	review and during the 90 day period immediately prior to
	the date on which the child will attain the age of 18.
	(2) The transition plan shall be developed and reviewed in
	collaboration with a youth child-centered team. The team
	will be comprised of the child's caseworker and persons
	selected by the child, persons who have knowledge of
	services available to the child, and any person who may reasonably be expected to be a service provider for the
	child when the child becomes an adult or will to become
	responsible for the costs of services at that time. Youth
	Child-centered team membership and meeting dates shall
	be documented in the transition plan. ,including but not
	limited to the administrator of county general relief under
	chapter 251 or 252 or of the central point of coordination
	process implemented under section 331.440.
	(3) If the child is interested in pursuing higher education,
	the plan shall provide for the child's participation in the
	college student aid commission's program of assistance in

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	applying for federal and state aid under section 261.2. (4) The plan will indicate the child's housing plan. (5) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reachin age eighteen, the transition plan shall will provide for the child's application to adult services. If the child is reasonably likely to need or be eligible for adult services, representation from the adult services system shall be included in the youth support team. Representation may include, but not limited to, the administrator of county general relief under chapter 251 or 252 or of the central point of coordination process implemented under section 331.440. be reviewed and approved by the transition committee for the area in which the child reaches

Repeal IC 235.7 Transition Committees 235.7 TRANSITION COMMITTEES. 1. Committees

age seventeen and one-half. The transition committee's

review and approval shall be indicated in the case

permanency plan.

established. The department of human services shall establish and maintain local transition committees to address the transition needs of those children receiving child welfare services who are age sixteen or older and have a case permanency plan as defined in section 232.2. The department shall adopt rules establishing criteria for transition committee membership, operating policies, and basic functions. The rules shall provide flexibility for a committee to adopt protocols and other procedures appropriate for the geographic area addressed by the committee. 2. Membership. The department may authorize

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	the governance boards of decategorization of child welfare
	and juvenile justice funding projects established under
	section 232.188 to appoint the transition committee
	membership and may utilize the boundaries of
	decategorization projects to establish the service areas for
	transition committees. The committee membership may
	include but is not limited to department of human services
	staff involved with foster care, child welfare, and adult
	services, juvenile court services staff, staff involved with
	county general relief under chapter 251 or 252, or of the
	central point of coordination process implemented under
	section 331.440, school district and area education agency
	staff involved with special education, and a child's court
	appointed special advocate, guardian ad litem, service

Current Law:

IC 232.2(4)f Juvenile Justice/Definitions/Case permanency plan

providers, and other persons knowledgeable about the child. 3. *Duties*. A transition committee shall review and approve the written plan of services required for the child's case permanency plan in accordance with section 232.2,

subsection 4, paragraph "f", which, based upon an

assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. In addition, a transition committee shall identify and act to address any gaps existing in the services or other support available to meet the child and adult needs of individuals

Sec. 235.7 Transition committees

for whom service plans are approved.

Sec. 204. (a)Educational stability.

Creates a new case plan requirement as part of section 475(1) of the Social Security Act.

- `(G) A plan for ensuring the educational stability of the child while in foster care, including--
 - `(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and `(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or
 - `(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

Summary of Changes: DHS is working with the Department of Education on this section of the bill, and may suggest an amendment to reflect additional input. Draft legislation involves no expansions beyond what Fostering Connections requires.

Fostering Connections requires assurances of the education stability of a child for whom the department of human services has responsibility. This draft proposes a new section which places responsibility with the department of human services that children in the Department's care remain in the school they attended at the time of placement unless not in their best interest, that the child be enrolled immediately in a new school if a move is necessary, and ensure that the child's education records are transferred. The responsibility of ensuring educational stability will involve the cooperation of all those involved with the child including, but not limited to, the child's family, foster parents, educators, the Courts, and the Department of Human Services.

Proposed Changes:

Insert new section IC 232.2(4)(j) Juvenile Justice/Definitions/Case permanency plan

- <u>i. Documentation of the educational stability of the child</u> while in foster care, including:
 - a. Evidence that the appropriateness of the educational setting and the proximity to the school in which the child is enrolled at the time

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	b. An assurance that the department has coordinated with appropriate local educational agencies (as defined under section 9101 of the federal Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in such school is not in the best interests of the child, that the local educational agencies will provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school. Insert new subsection IC 256.9 Department of Education as follows: Aid the department of human services as necessary to accomplish state and federal education=related objectives that are applicable to children for whom the department of human services has responsibility. Current Law: IC 232.2(4)e Juvenile Justice/Definitions/Case permanency plan IC 299.1 Compulsory Education/Attendance requirements. IC 256.9 (31) Department of Education/Duties of the Director of the Department of Education

Section 204(b) Educational Attendance Requirement.

Section 471(a) of the Social Security Act is amended by adding a new state plan requirement

"(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is

- "(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;
- "(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;
- "(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or "(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child."

Summary of Changes: DHS is working with the Department of Education on this section of the bill, and may suggest an amendment to reflect additional input. Draft legislation involves no expansions beyond what Fostering Connections requires.

Proposed Changes:

Insert new section in IC 234.4 Child and Family Services/Education of Children in Departmental Programs as follows:

If the department of human services has custody or has other responsibility for a child based upon the child's involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under chapter 299, the department shall fulfill the responsibilities outlined in section 299.1 and other responsibilities under federal and state law regarding the child's school attendance.

Insert new subsection IC 256.9 Department of Education as follows:

Aid the department of human services as necessary to accomplish state and federal education related objectives that are applicable to children for whom the department of human services has responsibility.

Current Law:

IC 232.2(4)e Juvenile Justice/Definitions/Case

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Sec. 206. Sibling placement.	permanency plan IC 299.1 Compulsory Education/Attendance requirements. IC 256.9 (31) Department of Education/Duties of the Director of the Department of Education
Creates a new State IV-E Plan requirement at section 471(1)(31) of the Social Security Act "471(1)(31) provides that reasonable efforts shall be made "(A) to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and "(B) in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings."	Summary of Changes: DHS is proposing that a reference to IC232.108 be added to IC232.102 to make it clear that the sibling requirements are applicable from the moment the child is removed from thehome. Proposed Changes: Section 5. Section 232.102, Code 2009 is amended by adding new subsection 15 When an order is entered under this section transferring custody of a child who has siblings to the department or other agency for placement, the provisions of section 232.108 shall be applied. Current Law: IC232.108 Visitation or ongoing interaction with siblings

	Sections of the FCSIAA	where DHS is not pr	roposing legislative changes
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TITLE I--CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

Sec. 101.Kinship guardianship assistance payments for children.

"provides for the State to enter into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in section 473(d)."

Iowa is currently operating a Subsidized Guardianship program under a waiver from the Department of Health and Human Services which is in effect until February of 2012. As a result of FCSIAA new guardianship subsidies under the waiver would not be eligible for federal matching funds at the end of the waiver. The Iowa Department of Human Services is looking at what it will take to terminate the current waiver and transition to operating a Subsidized Guardianship program as outlined in the FCSIAA which would allow continued use of federal matching funds under Title IV-E. No new legislation is being sought at this time. Current recipients of a subsidized guardianship will continue to receive benefits when the waiver program is ended.

Sec. 102. Family connection grants.

In General.--The Secretary of Health and Human Services may make matching grants to State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements, for the purpose of helping children who are in, or at risk of entering, foster care reconnect with family members through the implementation of--

"(1) a kinship navigator program to assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and to promote effective partnerships among public and private agencies to ensure kinship caregiver families are served "(2) intensive family-finding efforts that utilize search technology to find biological family members for children in the child welfare system, and once identified, work to reestablish relationships and explore ways to find a permanent family placement for the children;

Current Legislation: None **Proposed Language**: None

No new legislation is being proposed by the Department.

Fostering Connections For Success and Increasing Adoptions Act of 2008	State of Iowa Existing Law and Proposed Changes
"(3) family group decision-making meetings for children in the child welfare system	
Sec. 104. Licensing standards for relatives. The bolded text is the addition made to Sec 471(a)(10) of the Social Security Act. 471(a)(10) provides for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, provides that the standards so established shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B of this title and provides that a waiver of any such standard may be made only on a case-by-case basis for non-safety standards (as determined by the State) in relative foster family homes for specific children in care	Current Legislation: IC237 Proposed Legislation: None Iowa Administrative Code 441-113 currently addresses this.
Sec. 105. Authority for comparisons and disclosures of information in the Federal Parent Locator Service for child welfare, foster care, and adoption assistance program purposes.	Child Welfare staff have access to the Federal Parent Locator Service through Child Support Recovery. Legislation is not needed.

Act of 2008 Exis	ate of Iowa kisting Law and Proposed Changes
TITLE IIIMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE Sec. 201. State option for children in foster care, and certain children in an adoptive or guardianship placement, after attaining age 18. Allows states to receive federal financial support for children in foster care or in a subsidized adoption or a subsidized guardianship placement up to age 21. This option becomes effective on October 1 2010 Programmer Programmer Curricular	the state option given to states to extend foster care to 19, 10, or 21 is not addressed in DHS's proposed legislation. In the state option given to states to extend foster care to 19, 10, or 21 is not addressed in DHS's proposed legislation. In the state option given to states to extend foster care to 19, 10, or 21 is not addressed in DHS's proposed legislation. In the state option given to states to extend foster care to 19, 10, or 21 is not addressed in DHS and the After care at age 18 if 18 if 18 eya re pursuing a high school diploma or GED and when 18 proved by DHS. DHS also funds the Aftercare/PAL is not foster care, it is a coluntary program currently available to support youth 18 years of age transitioning from foster care to adulthood. In the state of the state is time to further explore a context of the programs before the state of the programs before the state of the programs is required at 18 is time. In the state option given to states to extend foster care costs. In the state option given to states to extend foster care to 19, 19, 19, 19, 19, 19, 19, 19, 19, 19,

Sec. 203. Short-term training for child welfare agencies, relative guardians, and court personnel.

The federal funding match for this category of new training (kinship, private agencies, court personnel) is phased in over 5 years. The current federal matching rate for qualifying training for public agency staff and foster parents is 75%. The current federal match rate for child welfare providers, court personnel and relative guardians is 50%. The new law adds to the definition of qualifying training. State expenses for the new areas would be matched at an increasing rate. (55% in 2009, 60 % in 2010, 65% in 2011and 70% in 2012 and the full 75% thereafter)

No new legislation is required at this time. The department is working to identify areas where state dollars are currently being expended for training that could be used as matching funds to claim the federal match.

Sec. 205. Health oversight and coordination plan.

Creates a new IV-B state plan requirement at section 422(15) of the Social Security Act

"(15)(A) provides that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

"(i) a schedule for initial and follow-up health screenings that meet

Summary of Changes:

The Department will be working with the Division of Medical Services and other experts in health care to develop the "plan for the ongoing oversight and coordination of health care services for any child in a foster care placement" as described in the Act.

Proposed Legislation: None. Iowa Administrative Rules address these requirements in **411-113.17**, **114.10**, **202.2**(2).

Current Legislation: 237.3

Fostering Connections For Success and Increasing Adoptions Act of 2008	State of Iowa Existing Law and Proposed Changes
reasonable standards of medical practice; "(ii) how health needs identified through screenings will be monitored and treated; "(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record; "(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care; "(v) the oversight of prescription medicines; and "(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children; and "(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with respect to whom services are provided under the State plan developed pursuant to this subpart;"	
TITLE IIITRIBAL FOSTER CARE AND ADOPTION ACCESS	No new legislation is being proposed as a result of this section. This section of the FCSIAA allows Indian tribes to receive direct IV-E funding in support of their child welfare programs as an alternative to making agreements with states to pass through IV-E matching funds from the federal government. The Iowa Department of Human Services is prepared to provide technical assistance as outlined in the FCSIAA.

Fostering Connections For Success and Increasing Adoptions Act of 2008	State of Iowa Existing Law and Proposed Changes
Sec. 301. Equitable access for foster care and adoption services for Indian children in tribal areas. Allows for Indian tribes to develop their own IV-B and IV-E plans and directly claim federal financial participation in their child welfare programs	See above.
Sec. 302. Technical assistance and implementation. Provides for Federal technical assistance to Indian tribes in developing their own child welfare programs and accessing federal financial participation.	See above.
TITLE IVIMPROVEMENT OF INCENTIVES FOR ADOPTION	
Sec. 401. Adoption incentives program. Improves the Adoption Incentives Program for children adopted out of foster care, including updated base year (2007) and increased bonuses for special needs and older child adoptions. Reauthorizes program for 2008-2012, \$43 M / year	Summary of Changes: This is a "performance incentive program" that Congress initiated some years ago, whereby states receive a federal bonus per child for increasing the number of finalized special needs adoptions. The Act reauthorizes the incentive payments and resets the baseline to the number of finalized adoptions in 2007. No new legislation is needed in this area.

Fostering Connections For Success and Increasing Adoptions Act of 2008	State of Iowa Existing Law and Proposed Changes
Sec. 402. Promotion of adoption of children with special needs. De-Links Adoption Subsidy eligibility requirements from the old AFDC income requirements. This expansion of children eligible for federal adoption assistance payments will be phased in over nine years. In the first year children 16 and older are de-linked from AFDC eligibility. In the second year 14 and older, by 2018 all age groups. This expansion of children eligible for federal adoption assistance payments will be phased in over nine years. o In FY 2010 (October 1, 2009)16 and older in FY 2011 (October 1, 2010)12 and older in FY 2012 (October 1, 2011)12 and older in FY 2013 (October 1, 2012)8 and older in FY 2014 (October 1, 2013)8 and older in FY 2016 (October 1, 2014)6 and older in FY 2016 (October 1, 2015)4 and older in FY 2017 (October 1, 2016)2 and older	The Department will be implementing this change to take advantage of the federal IV-E match rates as they take effect. Initially, this will likely have very little fiscal impact on Iowa's adoption subsidy program. No new legislation is being proposed.
Sec. 403. Information on adoption tax credit. Requires efforts to inform prospective adoptive parents of foster children of potential eligibility for the credit.	No new legislation is being proposed to implement this requirement. The department is exploring methods of disseminating this information, including identifying documents and steps in the adoption process where informing potential adoptive parents of the tax credit

website.

would be possible, and posting information on the DHS